

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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In re: David Lee Phillips,
Attorney at Law, Bar No. 538

Case No. 2:20-cv-02213-MMD

ORDER

This is an attorney discipline matter. Before the Court is David Lee Phillips' motion for reconsideration of the Court's prior order reciprocally suspending him from practice in the United States District Court for the District of Nevada. (ECF No. 14 ("Motion"); see *also* ECF No. 11 ("Suspension Order").) Because the Court sees no reason to reconsider or modify the Suspension Order, and as further explained below, the Court will deny the Motion.¹

Phillips argues the Court should reconsider the Suspension Order because he filed a petition for writ of certiorari with the U.S. Supreme Court ("Cert Petition"), appealing from the Nevada Supreme Court's ("NSC's") order suspending him. (ECF No. 14 at 1-2.) Phillips goes on to explain the Court should reconsider the Suspension Order not merely because he filed the Cert Petition, but because he more completely made the same arguments the Court rejected in the Suspension Order in the Cert Petition—so the Court should have another look at those arguments. (*Id.*)

If anything, this argument increases a concern the Court expressed in the Suspension Order—that the role of the Court in considering reciprocal discipline is different from the NSC, which imposes discipline in the first instance. (ECF No. 11 at 3.) And the Court does not wish to consider Phillips' arguments at the same time as the

¹The Court finds a hearing is unnecessary, and thus declines Phillips' request for one. (ECF No. 14 at 5.) See *also* LR 78-1 ("All motions may be considered and decided with or without a hearing.").

1 Supreme Court, in Phillips' appeal from the NSC's order. Moreover, in the Motion, Phillips
2 exclusively asks the Court to take another look at the same arguments the Court already
3 rejected, which does not merit reconsideration. *See, e.g., Brown v. Kinross Gold, U.S.A.*,
4 378 F. Supp. 2d 1280, 1288 (D. Nev. 2005) ("A motion for reconsideration is not an
5 avenue to re-litigate the same issues and arguments upon which the court already has
6 ruled.") (citation omitted).

7 It is therefore ordered that Phillips' motion for reconsideration of the Suspension
8 Order (ECF No. 14) is denied.

9 DATED THIS 25th Day of January 2021.

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12 MIRANDA M. DU
13 CHIEF UNITED STATES DISTRICT JUDGE
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